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Regulations.gov #: EREG - 2 Submitted Apr 18, 2005

Author : Mr. Mariano-Florentino Cuellar  
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Comment : Dear FCC Officials:

No doubt over the last few months you've received more than your share of input on this regulation, so I won't add to the mass of paper with a long-winded missive. I'd like to highlight one particular issue that I hope you'll seriously consider: the role of these regulations in affecting the distribution of communications services to the poor Americans, some of whom heavily rely on broadcast media for their information.

In the 1970s Congress nearly passed a reform that would have created a consumer advocacy agency to participate in the regulatory process on behalf of the millions of citizens affected by regulation every day but whose particular concerns are unlikely to be at the core of any organized interest, including (among others) nonprofit organizations. Many advocates of the consumer protection agency (a proposal that narrowly defeated) had also advocated at various times in the past the creation of regulatory impact analyses describing the impact of regulation on poorer Americans and hoped that the consumer protection agency would push agencies in this direction.

None of this ever happened. This leaves the concerns of the poorest Americans firmly in the hands of the regulatory agency writing a particular rule. I hope you will therefore consider how this rule might shape the distribution of broadcast services for Americans who cannot initially afford digital tuners, and I hope you give some thought to writing this regulation in a way that will make it gradually more affordable for poor Americans to buy the digital tuners.

It may be easy to ignore these concerns. But I'm a firm believer that regulatory officials

-- particularly the lawyers and policy staff who run so much of the agency's day to activities -- *can be persuaded to consider the full spectrum of concerns that they sh* have when they regulate. Your constituency is, after all, not just the highly sophisticated organized interests that will write most of your comment letters. Your constituency includes all Americans, like the one writing this letter and the many millions who don't but who look to you to protect their interests in the complicated digital world we inhabit.

Best of luck on this regulation. I hope you'll think hard about whether you've done best you can do for poor Americans with this rule.

Sincerely,

Mariano-Florentino Cuellar

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